IN THE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

H.G. GALLERIA I, II, III, L.P., SUCCESSOR IN INTEREST TO H.G. SHOPPING CENTERS, L.P.; SIMON MANAGEMENT	& & & & & & & & & & & & & & & & & & &	
ASSOCIATES (TEXAS), LLC; and	§	
SIMON PROPERTY GROUP, INC.	§	
Plaintiffs,	\ \ \ \ \	
V.	§	CIVIL ACTION NO. 4:12-cv-00873
ACE AMERICAN INSURANCE COMPANY	§ § 8	
Defendant.	§	

STIPULATION OF DISMISSAL

Plaintiffs H.G. GALLERIA I, II, III LP, SIMON MANAGEMENT ASSOCIATES (TEXAS), LLC and SIMON PROPERTY GROUP, INC. (collectively the "Plaintiffs") and, defendant ACE AMERICAN INSURANCE COMPANY ("ACE"), file this Stipulation of Dismissal under Federal Rule of Civil Procedure 41(a)(1)(ii).

- 1. Plaintiffs and ACE have reached a settlement as to Plaintiffs' claims in this action.
 - 2. Plaintiffs move to dismiss their claims against ACE with prejudice.
- 3. Plaintiffs and ACE are all of the parties who have appeared in this action and have not already been dismissed.
 - 4. This case is not a class action, and a receiver has not been appointed.
- 5. This action is not governed by any statute of the United States that requires an order of the Court for dismissal.

- 6. None of the parties has previously dismissed an action based on or including the same claims as those presented in this suit.
 - 7. This dismissal is with prejudice.
 - 8 Each party agrees to bear its own attorneys' fees and costs.

Respectfully submitted,

s/ Caldwell Fletcher

Caldwell Fletcher
Attorney in Charge
Texas State Bar No. 07141710,
Southern District of Texas Bar No: 9654
E-mail: cfletcher@bljc-law.com

BURCK, LAPIDUS, JACKSON & CHASE, P.C. 5177 Richmond Avenue, Suite 850

Houston, TX 77056 Phone: 713/400-6000 Fax: 713/622-8054

ATTORNEYS FOR H.G. GALLERIA I, II, III LP, SIMON MANAGEMENT ASSOCIATES (TEXAS), LLC and SIMON PROPERTY GROUP, INC.

/s/ Joseph A. Ziemianski

Joseph A. Ziemianski Attorney in Charge Texas State Bar No. 00797732 Southern District of Texas Bar No. 25915 E-mail: jziemianski@cozen.com

OF COUNSEL:

Nejat A. Ahmed State Bar No. 24034304 Southern District of Texas Bar No.:38468 nahmed@cozen.com

COZEN O'CONNOR 1221 McKinney, Suite 2900 Houston, Texas 77010 Telephone: (832) 214-3900 Telecopier: (832) 214-3905

ATTORNEYS FOR DEFENDANT, ACE AMERICAN INSURANCE COMPANY

CERTIFICATE OF SERVICE

I certify that a true copy of this document was served upon all counsel of record pursuant to the Federal Rules of Civil Procedure via certified mail, return receipt requested or the Court's electronic filing system on January 31, 2013.

s/ Caldwell Fletcher

Caldwell Fletcher